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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Luigi Occhipinti, et al.  
Title of Invention: **A MOLECULAR MEMORY OBTAINED USING DNA STRAND  
MOLECULAR SWITCHES AND CARBON NANOTUBES, AND  
METHOD FOR MANUFACTURING THE SAME**  
Serial No.: 10/601,327  
Filing Date: June 19, 2003  
Attorney Dkt. No.: 2110-66-3

**Certificate of Mailing**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29<sup>th</sup> day of December, 2005.

  
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Jamie Vrsek

**RESPONSE TO RESTRICTION REQUIREMENT**

December 29, 2005

TO THE COMMISSIONER FOR PATENTS:

This communication is in response to the Restriction Requirement dated November 29, 2005 in which the Examiner restricted the pending claims in the present patent application.

The Examiner has restricted the claims into seven groups: Group 1 including claims 1-2; Group 2 including claims 3-21; Group 3 including claims 22-23; Group 4 including claims 24-25; Group 5 including claims 26-29; Group 6 including claims 30-31; and Group 7 including claims 32-37. As discussed below, the Applicants respectfully traverse the restriction requirement on the grounds that the Examiner can search and examine the entire application without serious burden. Although the Applicants traverse the restriction requirement as

discussed below, they provisionally elect to prosecute Group 2 claims 3-21 if the Examiner does not withdraw the restriction requirement.

According to MPEP § 803, if the Examiner can search and examine the application without serious burden, then he/she **MUST** examine the application on the merits even though it includes claims to independent or distinct inventions. As discussed below, because claims 1 – 37 recite similar subject matter, the Examiner can perform a single search and examination that will cover all of the claims. Consequently, the Examiner can search and examine the application without serious burden, and, therefore, **MUST** examine all of the claims 1 – 37 together.

Furthermore, because these claims recite related subject matter, examination of these claims will involve similar analyses. Therefore, it is only slightly more burdensome for the Examiner to search and examine claims 1 – 37 than it would be for her to search and examine the provisionally elected Group 2 claims 3-21. Consequently, because there is no serious burden on the Examiner to search and examine all of the claims 1 – 37, the **restriction is improper**. Therefore, the Examiner **MUST** withdraw the restriction and examine all of the claims.

Therefore, as discussed above, the Applicants respectfully request the Examiner to withdraw the restriction requirement and to examine all of the claims 1 - 37.

In the event an additional fee is due for this Response, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, Paul F. Rusyn, at (425) 455-5575.

Respectfully submitted,

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